

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREENBURGH SHOPPING CENTER
ASSOCIATES, LLC,

Plaintiff,

-against-

YOUN DO HWANG individually, d/b/a
“DEBRICH CLEANERS”,

Defendant.
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ORDER

21-CV-10921 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff commenced this action on December 20, 2021. (Doc. 1). On February 17, 2022, the Court deemed two documents filed by the *pro se* Defendant (Docs. 8, 9) to be his answer to the complaint. (Doc. 10). The Court also scheduled an initial pretrial conference to be held by telephone. (Doc. 11). Prior to the scheduled conference, on April 21, 2022, Plaintiff advised the Court that it had sent a proposed discovery plan and letter to Defendant, but Defendant did not respond. (Doc. 13). Plaintiff further advised that its counsel spoke to Defendant on the phone the morning of April 21st to remind him of the upcoming conference, that Defendant was unwilling to discuss the proposed discovery plan and scheduling order, and that Defendant indicated that he did not intend to participate in the initial conference. (*Id.*). Defendant claimed that he filed for bankruptcy, however, searches conducted both by Plaintiff and the Court revealed no such bankruptcy filing.

The initial pretrial conference was held on April 25, 2022 and Defendant did not appear. (*See* April 25, 2022 Min. Entry; Doc. 14). The Court issued an order directing Defendant to show cause in writing why he failed to appear at the initial conference and warned Defendant that failure to comply with the order by May 9, 2022 may result in the issuance of a default judgment against him. (Doc. 14). The Court also entered a Civil Case Discovery Plan and Scheduling Order, which

provided, *inter alia*, for service by May 9, 2022 of initial disclosures, initial requests for production of documents, and interrogatories. (Doc. 15). The Court's April 25, 2022 order to show cause and the Civil Case Discovery Plan and Scheduling Order were served on Defendant by Plaintiff and also mailed to him by the Court. (Doc. 16; April 26, 2022 Entry).

On June 10, 2022, Plaintiff advised the Court by letter that it had served its initial disclosures, initial requests for production of documents, and interrogatories; that Defendant did not serve initial disclosures; and that as of the June 9, 2022 deadline for Defendant to respond to the interrogatories and document demands, he failed to respond and did not otherwise contact Plaintiff. (Doc. 17).

Defendant also failed to comply with the Court's April 25, 2022 order to show cause, has not responded to Plaintiff's June 10, 2022 letter, and has not filed any documents in this case since his answer was docketed, nor has he otherwise communicated with the Court to date.

Accordingly, Plaintiff is authorized to follow the procedures set forth in Attachment A to this Court's Individual Practices (rev. May 2, 2022) for seeking a default judgment against Defendant, available at <https://nysd.uscourts.gov/hon-philip-m-halpern>. Plaintiff's proposed order to show cause and accompanying documents shall be filed by August 26, 2022.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Defendant.

SO ORDERED:

Dated: White Plains, New York
June 22, 2022

A handwritten signature in black ink, appearing to be 'PH' followed by a stylized flourish.

Philip M. Halpern
United States District Judge